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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/113,751	07/10/98	LAWRENCE	S 11379

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EXAMINER
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ART UNIT	PAPER NUMBER
2172	

DATE MAILED:
08/13/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

		Application No.		**Applicant(s)**
Office Action Summary		09/113,751		LAWRENCE ET AL.
		Examiner		**Art Unit**
		Ella Colbert		2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>*16 July 2001*</u> .

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>*1-29, 46-57 and 79*</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>*1-29, 46-57, and 79*</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Amendment

1.   Claims 1-29, 46-57, and newly added claim 79 are presented for examination.

2.   Applicants' response of July 16, 2001 to the Office Action has been entered as

Amendment A, paper number 8.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1-6, 16-20, 46-50, and 52-57 are rejected under 35 U.S.C. 102(b) as

being anticipated by Redfern (US 6,078,914).

With respect to claim 1, forwarding a query to third party search engines is

shown in col. 2, lines 2-8,

parsing the responses from the third party search engines in order to extract

information regarding the documents matching the query is shown in col. 1, lines 33-46

and col. 2, lines 17-44,

downloading the full text of the documents matching the query is shown in col. 4,

lines 9-21 and figure 1,

locating query terms in the documents and extracting text surrounding the query

terms is shown in col. 3, lines 10-16, and

displaying the text surrounding the query terms is shown in col. 3, lines 39-45 and col. 4, lines 21-28.

With respect to claim 2, this dependent claim is rejected for the similar rationale given for claim 1.

With respect to claim 3, filtering the context strings in order to improve readability by removing redundant whitespace, repeated characters, HTML comments and tags, and special characters is shown in col. 4, lines 35-67, col. 11, lines 55-67, and col. 13, lines 15-22. These claim limitations are well known in the art as editing a search string.

With respect to claim 4, identifying and filtering pages which no longer contain the query terms is shown in col. 3, lines 20-35.

With respect to claim 5, clustering the documents based on analysis of the full text of each document and identification of co-occurring phrases and words, and conjunctions is shown in col. 9, lines 44-65, col. 33, lines 14-65, and Appendix J.

With respect to claim 6, storing the documents matching a query so a query can be repeated and only showing documents which are new or have been modified since the last query or a given time is shown in col. 1, lines 33-45 and col. 10, lines 39-45.

With respect to claim 16, this independent claim is rejected for the similar rationale given for claim 1.

With respect to claim 17, this dependent claim is rejected for the similar rationale given for claim 2.

With respect to claim 18, this dependent claim is rejected for the similar rationale given for claim 3.

With respect to claim 19, this dependent claim is rejected for the similar rationale given for claim 4.

With respect to claim 20, this dependent claim is rejected for the similar rationale given for claim 5.

With respect to claim 46, this dependent claim is rejected for the similar rationale given for claim 1.

With respect to claim 47, this dependent claim is rejected for the similar rationale given for claim 2.

With respect to claim 48, this dependent claim is rejected for the similar rationale given for claim 3.

With respect to claim 49, this dependent claim is rejected for the similar rationale given for claim 4.

With respect to claim 50, this dependent claim is rejected for the similar rationale given for claim 5.

With respect to claim 52, this dependent claim is rejected for the similar rationale given for claim 1.

With respect to claim 53, this dependent claim is rejected for the similar rationale given for claim 2.

With respect to claim 54, this dependent claim is rejected for the similar rationale given for claim 3.

With respect to claim 55, this dependent claim is rejected for the similar rationale given for claim 4.

With respect to claim 56, this dependent claim is rejected for the similar rationale given for claim 5.

With respect to independent claim 57 this claim is rejected for the rationale given for claim 6.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 7-15 and 21-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Redfern (US 6,078,914).

With respect to claim 7, Redfern did not explicitly teach, filtering the actual documents when viewed in full order to (a) highlight the query terms and (b) insert quick jump links so the user can quickly jump to the query term of interest, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate in Redfern filtering the documents when viewed to highlight the query terms and insert the jump links because such a modification would allow the user once the documents are filtered to enter keywords and click on a link to a document to see the highlighted keyword or keywords and the user can jump links to move back and forth from link to link to documents of interest, therefore, by using a jump link, this is a more efficient method of navigating from document to document and link to link.

With respect to claim 8, Redfern did not explicitly teach, creating and using a database of meta-information regarding query terms, storing a list of movie titles, recognizing when the user enters a query containing a movie title, and taking special action such as referring the user to the review of the movie at a specific movie review site, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate in Redfern the creation and use of a database of meta-information regarding query terms such as storing a list of movie titles, recognizing when a user enters a query term containing a movie title and taking a special action because such a modification would provide a database which is merely a collection of data stored on a computer storage medium such as a disk, that can be used for more than one purpose whether it is movie titles for searching the database or other information (meta-information (data information)).

With respect to claim 9, storing and using information regarding the particular documents requested by a user in response to a query, remembering the most commonly requested document for a given query and presenting this document first in response to the same query in the future is shown in col. 1, lines 21-65.

With respect to claim 10, analyzing the number of documents found as a function of the number of third party search engines queried, and computing the estimated size of the document base which the third party search engines index is shown in col. 11, 55-67 and col. 16, lines 6-46.

With respect to claim 11, this dependent claim is rejected for the similar rationale given for claim 6.

With respect to claim 12, this dependent claim is reject for the similar rationale given for claim 3.

With respect to claim 13, Redfern did not explicitly teach, caching the full documents in order to improve access speed, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to cache the full documents to improve access speed because it is well known by skilled artisans that cache is a place where data can be stored to avoid having to read the data from a slower device such as a disk. Microprocessors have an internal instruction cache for program instructions that are being read in from RAM; an external cache is also used, consisting of RAM chips that are faster than those used in a computer's memory.

With respect to claim 14, this dependent claim is rejected for the similar rationale given for claim 3.

With respect to claim 15, using a proximity based ranking scheme to re-rank documents according to the number of proximity between query terms is shown in col. 3, lines 3-16 and col. 10, lines 2-20.

With respect to dependent claim 21 this claim is rejected for the rationale given for claim 6.

With respect to dependent claim 22 this claim is rejected for the rationale given for claim 7.

With respect to dependent claim 23 this claim is rejected for the rationale given for claim 8.

With respect to dependent claim 24 this claim is rejected for the rationale given for claim 9.

With respect to dependent claim 25 this claim is rejected for the rationale given for claim 11.

With respect to dependent claim 26 this claim is rejected for the rationale given for claim 12.

With respect to dependent claim 27 this claim is rejected for the rationale given for claim 13.

With respect to dependent claim 28 this claim is rejected for the rationale given for claim 14.

With respect to dependent claim 29 this claim is rejected for the rationale given for claim 15.

With respect to claim 79, processing the responses from the third party search engines is performed in parallel (col. 8, lines 66-67, col. 9, lines 1-18, col. 10, lines 25-44, and fig. 1 (32, 36, 38, & 42).

Response to Arguments

7.   Applicant's arguments filed 07/16/01 have been fully considered but they are not persuasive.

With respect to Applicants' argument: the method of claim 1, by extracting terms surrounding the query terms ..., is more beneficial to the user by showing more relevant information than the method disclosed by Redfern is not persuasive because Applicants' claim language does not indicate that "by extracting the terms surrounding

the query terms once the information is received from the search engines, is more

beneficial to the user by showing more relevant information." The Examiner interprets

the Redfern reference as showing the extraction of terms surrounding the query terms

as being in col. 3, lines 10-16 ("the extraction of relevant terms (by at least two search

engines) by the natural language parser includes adding terms which are alternatives to

terms directly extracted from the natural language query").

With respect to Applicants' argument: Redfern does not identify and filter pages

which no longer contain the query term is not persuasive because Redfern shows

identifying and filtering to remove the redundancies of the query term in col. 3, lines 20-

35.

With respect to Applicants' argument: the section cited by the Examiner refers to

the way that Redfern constructs queries for the search engines, and does not teach the

method of claim 5 is not persuasive based on the Examiner interprets col. 9, lines 44-

65, col. 33, lines 14-65, and appendix J as showing the method of claim 5.

With respect to Applicants' argument: The sections cited by the Examiner in

Redfern do not teach the method of claim 6 is not persuasive because Redfern shows

the method of claim 6 in col. 1, lines 33-45 and col. 10, lines 39-45. The documents

had to be stored matching the query in order for a user to be able to retrieve the

documents.

With respect to Applicants' arguments: Redfern fails to show how once the

documents are filtered, the user can enter keywords and click on a link to a document

and have the keywords highlighted and claim 7 recites how to filter the documents

received from the search engine and be able to jump quickly to each query term of

interest, which are highlighted by the use of jump links is not persuasive because the

Applicants' are applying a more stringent standard to the reference than to the

limitations of the claims. This is a reversal of their appropriate roles, as the reference is

used as a whole as a teaching in light of the level of skill in the art. In particular on page

5 of the Office Action where motivation is given by the Examiner as to why Redfern

does not explicitly show the claimed features of highlighting the query terms and

inserting the jump links so the user can quickly jump to the query term of interest.

With respect to Applicants' argument: there is no teaching or suggestion that

would enable one who is looking for a specific movie review site to be abled to type in

the movie name as a query and recognize it as such and only return information

pertaining to the particular movie of the method in claim 8 in Redfern is not persuasive

because the Examiner provided reasoning as to why Redfern did not explicitly teach

and should be modified to incorporate these limitations and why one having ordinary

skill in the art at the time the invention was made would have these limitations.

With respect to Applicants' argument: in the column and lines cited by the

Examiner, there is only a reference to a query being entered that yields a list of

information sources that match the search data, or "hits," given by the search engine,

usually bounded by a maximum number. Redfern does not teach or suggest storing

and using the information returned for a given query as recited in claim 9 so that in the

future, if the same query is entered again, the document most requested before is given

first to the user is not persuasive based on the Examiner interprets Redfern as showing

these limitations in col. 1, lines 21-65. Redfern further shows a database which is considered a storage medium on a computer, performing a query, and sending the search to a user. The Examiner is allowed to give claim limitations their broadest reasonable interpretation in light of the Applicants' Specification.

With respect to Applicants' argument: Redfern does not teach, disclose or suggest the method of claim 10 is not persuasive because Redfern is interpreted by the Examiner as showing the claim limitations of claim 10 in col. 11, lines 55-67 and col. 16, lines 6-46. Redfern did not explicitly show an index, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the estimated size of the document which the third party engines index and to incorporate in Redfern because such a modification would allow Redfern's documents to be sorted without moving the contents and save time.

A suggestion/ motivation need not be expressly stated in one or all of the references used to show obviousness. *Cable Electric Products, Inc. v. Genmark, Inc.*, 770 F.2d 1015, 1025, 226 USPQ 881, 886 (Fed. Cir. 1985); *In re Sheckler*, 438 F.2d 999, 1001, 168 USPQ 716, 717 (CCPA 1971). It is assumed that every reference relies to some extent on the knowledge of persons skilled in the art to complement that which is disclosed therein. Further, the skilled artisan is presumed to know something more about the art than only what is disclosed in the applied reference/references. In other words, the person having ordinary skill in the art has a level of knowledge apart from the content of the references. *In re Bode*, 550 F.2d 656, 660, 193 USPQ 12, 16 (CCPA 1977); *In re Jacoby*, 309 F.2d 513, 516, 135 USPQ 317, 319 (CCPA 1962). A

conclusion of obviousness is established "from common knowledge and common sense of the person of ordinary skill in the art without any specific hint or suggestion in a particular reference." *In re Bozek*, 416 F.2d 1385, 1390, 163 USPQ 545, 549 (CCPA 1969).

With respect to Applicants' argument: the cited section by the Examiner in Redfern does not refer to proximity based ranking, thus, Redfern does not teach, disclose or suggest the subject matter recited in claim 15 is not persuasive because Redfern shows "examining extracted terms to determine a ranking and identifying relevant portions" (proximity based ranking) in col. 3, lines 3-16 and col. 10, lines 2-20.

With respect to Applicants' argument: Redfern cannot download documents until all search engines have responded and the subject matter of claim 79 is also not rendered obvious by the teachings in Redfern is not persuasive because this claim is a newly added claim and was not examined nor searched in the prior Office Action of 04/12/01, therefore, Applicants' argument is "moot."

8.   As to Applicants' arguments above, in this rejection of claim 1 and others, for example, under Section 102 of Title 35 of the United States Code and Section 103 of Title 35 of the United States Code, the Examiner carefully drew up a correspondence between each of the Applicants' claimed limitations and one or more referenced passages in Redfern, what is known in the art, and what is obvious to one having ordinary skill in the art. The Examiner is entitled to give the claim limitations their broadest reasonable interpretation in light of the Specification (see below):

2111   Claim Interpretation; Broadest Reasonable Interpretation [R-1]

>CLAIMS MUST BE GIVEN THEIR BROADEST REASONABLE INTERPRETATION

During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).<

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Genus*, 988 F.d. 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rodkin et al (US 6,092,074) teaches document filtering, a database of listed words and phrases related to business, sports, travel, books, compact discs, movie reviews,etc.

Rubinstein et al (US 5,913,215) teaches keywords found in more than one web page are displayed in a different color (highlighted) (see col. 16, lines 54-58) and a plurality of search engines.

Gross et al (US 6,044,385) teaches Hypertext topics are linked to allow users to jump from one subject to other related subjects (see col. 1, lines 56-58).

Bowen et al (US 6,094,649) teaches keyword searches, hot links, search engines, and indexing documents.

Woods (US 6,101,491) teaches querying, indexing, and webcrawlers.

10.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ella Colbert whose telephone number is 703-308-7064.

The examiner can normally be reached on **Monday-Thursday from 6:30 am -5:00 pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kim Vu can be reached on 703-305-4393. The fax phone numbers for the

organization where this application or proceeding is assigned are 703-308-9051 for

regular communications and 703-308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-308-

96000.

E. Colbert
August 8, 2001

KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100